

CASE NO. 08cv 1589

ATTACHMENT NO. 9

EXHIBIT _____

TAB (DESCRIPTION) _____

1 related --

2 We asked him about the missing girl, and
3 he told us he wished to help us clear up the
4 situation there and then.

5 He gave us his story concerning what he
6 knew about the incident.

7 Q And at that time did he offer -- By he,
8 I mean the defendant, Jerome Hendricks.

9 Did he offer any information about his
10 whereabouts on the date the girl had been reported
11 missing?

12 MS. PLACEK: Objection to the relevancy, as
13 to the motion to quash here.

14 THE COURT: What is the relevancy?

15 MS. MALLO: Well, Judge, I was inquiring of
16 the defendant as to alibis.

17 I'm inquiring of the detective as to
18 alibis the defendant gave to the detectives, and
19 what the course of the investigation took after
20 that time.

21 THE COURT: How is that relevant?

22 You know, what's raised here is the
23 question of the violation of the defendant's 4th
24 and 14th Amendment Rights, not 5th and 6th.

1 MS. MALLO: Yes, sir.

2 THE COURT: I don't understand how that's
3 relevant.

4 MR. RONKOWSKI: According to the State's
5 theory of the case --

6 If I can interrupt -- and according to
7 the police reports, the defendant wasn't arrested
8 until the next day.

9 The defendant's statements to the police
10 prior to his arrest is admissible to show probable
11 cause.

12 It's also admissible to show why this
13 detective interviewed people and was not able to
14 verify what the defendant was claiming.

15 MS. PLACEK: Well, besides -- excuse me --
16 the State's Attorney testifying as to that at this
17 matter, Judge, the suggestion --

18 First of all if we are going to go into
19 what the detective is going to testify, I would
20 ask that he be removed from the room during this
21 argument.

22 But I would suggest that the relevancy,
23 even though what they have stated, is an incorrect
24 relevancy as to the points set out in the motion,

1 Judge.

2 As the Court correctly pointed out, we
3 are not dealing with what this information
4 supposedly at 11:00 o'clock in the morning showed.

5 I believe that what the State has to
6 show is when the actual arrest took place, and
7 what was the probable cause arising to it; not
8 whether or not the defendant gave any kind of
9 exculpatory statements at that time, Judge.

10 THE COURT: Exculpatory or inculpatory
11 statements, it does not appear to me to be
12 relevant to the motion at this point.

13 And let me suggest to you, Mr.
14 Ronkowski, that the evidence that I have heard, it
15 appears to me that one of two things is the end
16 result of the situation: either the defendant was
17 or was not in the police station pursuant to a
18 valid arrest or a Constitutionally valid arrest,
19 or he was not.

20 If he was, then all that flowed from his
21 legally Constitutional arrest is admissible
22 against him.

23 It is uncontested insofar as the 5th
24 Amendment is concerned, that is Miranda, and

1 whether or not he made the statements. The only
2 issue is whether or not he was there legally.

3 And we have him there about 8:30 or
4 shortly thereafter.

5 What happened later on, I don't see how
6 it is relevant.

7 MR. RONKOWSKI: If the defendant is there
8 with his consent, voluntarily, due to sources
9 outside the police power, as has been testified to
10 as far --

11 THE COURT: And he makes a statement, that
12 statement is admissible against him.

13 So again I am concerned with the
14 Constitutionality of his presence in the police
15 station. And that's what I think the Defense is
16 raising here.

17 And you know, if we can center in on
18 that as opposed to what the defendant said -- I'm
19 not concerned with what he said, whether it
20 inculpated him or not or exculpated him, or gave
21 the police probable cause for the subsequent
22 arrest of him.

23 The question is, was he validly there?

24 Do you concur with me? You look like if

1 you disagree.

2 MR. RONKOWSKI: That's one of the issues.

3 THE COURT: That's the only issue.

4 MR. RONKOWSKI: No, it isn't.

5 And we are entitled to make our own
6 record.

7 THE COURT: Please tell me what the other
8 issue is.

9 MR. RONKOWSKI: Okay. I will repeat myself.

10 The defendant is down there consensually
11 because this crowd outside of his house is
12 accusing him of the crime.

13 While he is down there, he makes various
14 statements to the police, some of which are not
15 true.

16 Furthermore, he makes various admissions
17 to the police.

18 At a point, according to the police
19 report and the State's theory of the case, he
20 admits to having sex with a girl who is 12 years
21 old.

22 THE COURT: What does that mean?

23 MR. RONKOWSKI: He is no longer free to go.

24 At that point the police have probable

1 cause to arrest him. And the police at that point
2 do not let him go.

3 MS. PLACEK: Well, Judge --

4 THE COURT: The defendant is not in any way,
5 as I understand this motion, raising any question
6 as to the development of probable cause while he
7 is in the police station.

8 They are saying, as I understand it,
9 that his initial presence in the police station
10 was unconstitutional, and therefore everything
11 that flowed from it is void.

12 And on the converse of that, if he was
13 not, they don't make any challenge to what flowed
14 from it.

15 So again, what happened, what he said,
16 is totally irrelevant.

17 MR. RONKOWSKI: The defendant is claiming
18 that he is down at the police station, number one,
19 he is claiming through his testimony that he was
20 arrested and not voluntarily down there.

21 Second of all, they are not conceding
22 the existence of probable cause at the time that
23 the defendant called the police, and it was the
24 defendant that called the police.

1 If they concede probable cause at that
2 point, that's something else.

3 MS. PLACEK: Well, we are not.

4 THE COURT: What difference, Mr. Ronkowski,
5 whether they conceded or not.

6 Either the police arrested him validly,
7 which I will determine --

8 MR. RONKOWSKI: Right.

9 THE COURT: (Continuing) -- and if they
10 arrested him validly and took him into the police
11 station, everything that flowed is fine.

12 If he went there consensually, and had
13 conversations with the police officers, and which
14 helped them to develop probable cause, that's
15 fine.

16 Again, the whole issue here is how did
17 -- under what circumstances did he arrive in that
18 police station. That's all.

19 The objection is sustained.

20 MS. PLACEK: Thank you, your Honor.

21 THE COURT: Put another question.

22 MS. MALLO: Yes, sir.

23 Q Detective, during the course of your
24 conversation with Jerome Hendricks, did he ever

1 ask if he could leave?

2 MS. PLACEK: Objection.

3 THE COURT: Objection sustained.

4 MS. MALLO: Judge, if I may have one minute?

5 MR. RONKOWSKI: Your Honor, we are either
6 going to ask to proceed by an offer of proof with
7 this witness, or we will ask to bifurcate the
8 proceedings and make a separate factual finding.

9 THE COURT: When you complete this witness'
10 testimony, I will allow you to make an offer of
11 proof for the record, Mr. Ronkowski. You have a
12 right to do that.

13 In the event this becomes necessary by
14 either side, the record ought to be complete.

15 I again say to you, as I understand the
16 motion and a clear reading of the motion and the
17 colloquy that has gone on here in court,
18 unobjected to, in any way challenged by the
19 Defense, makes it even more clear to me that the
20 issue that we are dealing with is the defendant's
21 initial arrival in the police station, and
22 whether, at that point, he was Constitutionally in
23 the police station, either having been arrested,
24 Constitutionally, or having arrived there

1 consentually and voluntarily.

2 Either of those two positions would make
3 him Constitutionally in the police station.

4 And thus, everything that occurred would
5 be perfectly admissible against him.

6 The converse, if he is not there
7 pursuant to the 4th Amendment, that is, the police
8 illegally arrested him, and he did not arrive
9 there consentually, then everything that flowed
10 from it is void.

11 And it could not -- nothing that he
12 said or did could attenuate back and validate the
13 arrest, unless you intend to show that somehow he
14 was --

15 MR. RONKOWSKI: If your Honor would be
16 willing to bifurcate the proceeding, we would be
17 ready to rest in a few minutes.

18 MS. PLACEK: I don't understand what you mean.

19 THE COURT: I don't know what you mean by
20 bifurcate.

21 Tell me what you mean. I don't
22 understand.

23 MR. RONKOWSKI: Well, it's the State's
24 position that the police had probable cause to

1 arrest the defendant from the get-go.

2 THE COURT: Fine.

3 MR. RONKOWSKI: The police did not, in fact,
4 arrest the defendant until the next day after he
5 admitted to part of the crime.

6 MS. PLACEK: Well, then, Judge, I would ask to
7 amend, if that's their position, that they had
8 probable cause at the time they came to the house,
9 that they should have got a warrant, if they're
10 holding him in custody at the police station.

11 THE COURT: In either event, I don't see how
12 bifurcation has anything to do with it.

13 You may be right, and it may be that the
14 Court will determine that there was probable
15 cause.

16 MR. RONKOWSKI: The reason why bifurcation
17 would be one way of doing this is that the State
18 also is entitled to go by the fact -- And I'm not
19 accepting the defendant's theory of the case; I'm
20 accepting the theory or postulating the theory he
21 wasn't under arrest.

22 Consequently, the extra information
23 could be used for probable cause.

24 What happens if the State, your Honor,

1 intentionally misjudged the strength of their
2 case, and we were one iota short of probable
3 cause, when the defendant called the police
4 station up?

5 That's why I'm trying to make a record.

6 THE COURT: Mr. Ronkowski, maybe I'm not
7 making myself clear to you.

8 But the Defense is not going to raise
9 the question of a subsequent arrest of the
10 defendant in the police station.

11 They are going to contend, and have
12 contended all along, that his arrival was
13 unconstitutional.

14 Now, they are not at all suggesting that
15 after he arrived, and after they had conversations
16 with him, that the police did not even then have
17 probable cause to arrest him the following
18 morning.

19 That's not their position.

20 Their position is that because they
21 talked to him and learned some things and had some
22 statements, all of that is unconstitutional and
23 impermissible. So you don't have to worry about
24 the next day's arrest.

1 Nobody's going to challenge it.

2 MR. RONKOWSKI: I think I understand the
3 Court's position.

4 THE COURT: Good.

5 I have tried to make it as clear as I
6 understand it.

7 You know, I have problems with the
8 language sometimes, Mr. Ronkowski, but that's the
9 best I can say it, to my mind. And perhaps I am
10 incorrect.

11 But to my mind it's very clear what
12 they're saying.

13 And I understand it, and I would like to
14 discuss it with you further to help you understand
15 it, but I don't know if I can. You may not be
16 able to do that.

17 MR. RONKOWSKI: Well, I know whatever
18 happens one side or the other will be taking an
19 appeal, and I want to make sure the Appellate
20 Court is aware of all the viable theories, whether
21 we are prosecuting the appeal or defending the
22 appeal.

23 THE COURT: I understand.

24 And I'm going to give you an opportunity

1 to make an offer of proof when you finish the
2 examination of this witness.

3 Put another question.

4 MS. MALLO: Judge, if I may have one minute?

5 Your Honor, I have no further questions
6 of Detective Baker.

7 MS. PLACEK: May I inquire, Judge, very
8 briefly?

9 THE COURT: You may.

10

11 CROSS EXAMINATION

12 BY

13 MS. PLACEK:

14 Q Detective Baker, I noticed when you
15 walked in the courtroom you were reading something
16 similar to the file that I am holding in my hand;
17 correct?

18 For the purpose of the record, the
19 witness held up the file.

20 Would I be correct in assuming that
21 those are, in fact, the police reports generated
22 by this case?

23 THE WITNESS: A copy of some of them.

24 Q A copy of some of them.

1 Would it be correct in saying that you
2 read those police reports in order to refresh your
3 memory?

4 A Yes, it would.

5 Q Would it be correct in saying quite
6 frankly as you sit there now you have no additions
7 or corrections as to any of the police reports
8 that, in fact, you have read?

9 A Correct.

10 Q Now, let's talk about this for a minute:
11 Am I correct -- and please feel free to
12 correct me if I am wrong -- that in order to take
13 a police report correctly, you put down all
14 relevant and all important things?

15 A Correct.

16 Q And something like a mob of 30 or 40
17 people in front of a house of a suspect is an
18 important thing; correct?

19 A Depends on who the mob is after.

20 Q Well, if they are after the defendant,
21 or the supposed suspect, or the reason that you
22 are there; correct?

23 A Correct.

24 Q And as a matter of fact, isn't it true

1 and correct that in none of the Chicago Police
2 Department's reports generated off of this case,
3 there is no mention of any mob in front of the
4 house?

5 A Correct.

6 Q As a matter of fact, you yourself wrote
7 a report in this matter; correct?

8 A Yes.

9 Q And you don't mention any 30, 40 -- you
10 don't even mention any disturbance in front of the
11 defendant's house; is that correct?

12 A That's correct.

13 Q It's not only correct, but you don't
14 even mention this incident about somebody holding
15 up a stick and trying to hit the defendant:
16 correct?

17 A Correct.

18 Q As a matter of fact, let me ask you,
19 Detective, when was the first time that you heard
20 anyone say that they were the one who held on to
21 the stick and tried to hit the defendant as he
22 left that house?

23 A I didn't --

24 MR. RONKOWSKI: Objection.

1 MS. PLACEK: Q If you heard it at all.

2 MR. RONKOWSKI: Irrelevant, what he heard.

3 He saw it.

4 MS. PLACEK: Judge, I'm asking, heard saying
5 that he did it.

6 THE COURT: Objection overruled.

7 MS. PLACEK: Thank you.

8 THE WITNESS: A I saw someone in the crowd
9 raise a stick.

10 I don't need to hear somebody say
11 anything; I saw it.

12 MS. PLACEK: Motion to strike, Judge, as not
13 responsive.

14 THE COURT: The motion is sustained.
15 Stricken.

16 MS. PLACEK: Thank you.

17 Q Officer, when was the first time you
18 heard anyone admit that they were the person who
19 raised that stick and tried to hit that defendant?

20 THE WITNESS: A I don't think I have heard
21 anyone admit to that.

22 Q By the way, do you know a gentleman, a
23 civilian, supposed witness in this case, by the
24 name of James Hill?

1 A I know there is a witness, James Hill,
2 to this case, yes.

3 Q And would it be correct that you and Mr.
4 Hill and your other brother-police officers were
5 sort of kept or sequestered or held in a
6 conference room back of this courtroom prior to
7 this hearing?

8 A Correct.

9 Q And would it be correct that Assistant
10 State's Attorney Ronkowski, in the course of his
11 job, asked each of you what happened and what did
12 you say, in preparation for testifying today?

13 A I remember him talking to me.

14 Q Well, let me ask you this:

15 You weren't --, Mr. Hill wasn't asked to
16 step out of the room when he was talking to you,
17 was he?

18 A I was not in the room with Mr. Hill all
19 morning.

20 Q Well, let me ask you this:

21 Did you ever know, or did you ever hear
22 Mr. Hill say that he was the one with the stick?

23 A Not that I recall, no.

24 Q As a matter of fact, being with Mr. Hill

1 in that room, did you ever say, my God, that's the
2 man I saw on that date and time, that's the man
3 with the stick?

4 A No.

5 Q As a matter of fact, you didn't
6 recognize Mr. Hill today, did you?

7 A Not that I recall, no.

8 Q Thank you.

9 But according to your testimony, you got
10 a clear and good look at the man who, in fact,
11 raised the stick to the defendant; correct?

12 A No, that's incorrect.

13 Q Well, let's talk a little further about
14 that.

15 You did see the incident as it occurred.
16 as you drove up at that time and date, didn't you?

17 A Yes, I did.

18 Q You saw what your brother Officer,
19 Nitsche, did?

20 A Yes, I did.

21 Q And you saw your brother Officer,
22 Nitsche, go in that house, didn't you?

23 A Yes, I did.

24 Q You saw him stay and remain in that

1 house for a while; correct?

2 A No, that's wrong.

3 Q Well, how long did you see your brother
4 Officer, Nitsche, in that house?

5 A He went in and came out. A matter of
6 seconds.

7 Q When you say a matter of seconds, just
8 so we have it clear. Did he walk all the way into
9 the house, and close the door behind him?

10 A No, he didn't.

11 Q Did he leave the door open?

12 A The screen was open.

13 Q Let me ask you this:

14 Was he on the porch of the house?

15 A There is no porch; there is just a
16 stoop.

17 Q So was he on the stoop of the house?

18 A Walked up on the stoop. The door was
19 being held open, he stepped inside, he came back
20 outside.

21 Q Who was holding open the door?

22 A A woman.

23 Q Do you know that woman?

24 A No, I don't.

1 Q Thank you.

2 Did you ever see him have conversation
3 with that woman?

4 A He said something as he walked up. I
5 don't know what.

6 Q Okay. How far away were you?

7 A About 20 feet.

8 Q How far was the nearest neighbor of this
9 crowd or mob?

10 A I don't recall. They were all over the
11 place.

12 Q When you say all over this place, were
13 they in the yard or house?

14 A The yard, the street, the sidewalk, by
15 the fences. People were milling about all over.

16 Q When you say milling about, did they
17 have stones and bricks in their hands, and sticks?

18 A I don't recall what every individual had
19 there.

20 Q Well, did some of them?

21 A I noticed a stick later on.

22 Q Well, when you say later on, did you
23 hear them shouting and screaming as you drove up?

24 A There was a lot of commotion and noise.

1 Q And, by the way, part of your job as a
2 Chicago Police Officer is also to quiet such
3 situations; correct?

4 A Depends on the situation.

5 Q Well, you surely wouldn't want a mob to
6 invade a suspect's house or attempt to hurt him;
7 correct?

8 A They didn't invade his house.

9 Q Sir, do you understand my question?
10 Motion to strike the answer as not
11 responsive, Judge.

12 MR. RONKOWSKI: Objection to the question as
13 argumentative.

14 THE COURT: Sustained.

15 As to the striking, the objection is
16 sustained and the answer is stricken.

17 As to your objection, Mr. Ronkowski,
18 it's overruled.

19 MS. PLACEK: Thank you, your Honor.

20 Q Surely wouldn't let a mob attack a
21 person's house, correct, without doing anything in
22 the course of your employment?

23 THE WITNESS: A Not if I could help it.

24 Q Not only that, but if you saw a mob

1 milling about with sticks or whatever, it would be
2 your job, as a Chicago Police Officer, to diffuse
3 the situation; isn't that correct?

4 A Depends on the situation.

5 Q Well, the situation is of, in fact, a
6 mob around a supposed -- as you put it today --
7 suspect's house.

8 Wouldn't it be your job to break that
9 mob up?

10 A Again depends on the situation.

11 Q Would it be your job to break that mob
12 up as I have just described the situation, sir?

13 A No.

14 Q So am I correct in assuming that you, as
15 a Chicago Police Officer, would not deem it your
16 job to in fact break up a mob of 30 or 40 people,
17 some with sticks, yelling and screaming at a
18 supposed suspect's house?

19 A I don't know.

20 Q Thank you.

21 Let me also ask you this, sir:

22 How long previous to your arrival to
23 that house were you involved in the investigation
24 of this matter?

1 A Several hours.

2 Q When you say several hours, were you
3 aware that the alleged victim of this crime was
4 first reported missing on August 1st, 1988?

5 A I don't remember exactly when I became
6 aware of that.

7 Q Could there be anything in this report
8 that would refresh your recollection as to that?

9 A Not the specific time, no.

10 Q Well, and you say your report, of
11 course, wouldn't refresh your recollection
12 because, according to you, there is nothing in
13 your report to reflect when she first became
14 missing?

15 A I don't recall if there is or not.

16 Q Would it be correct in saying that you
17 can't even recall what's in your report that you,
18 as you already stated, read to refresh your memory
19 a few minutes ago?

20 A I don't understand the question.

21 Q Well, sir, let's talk for a second.

22 Isn't it correct, showing you what has
23 been previously marked as Defendant's 4, a missing
24 person report, could you tell his Honor, Judge

1 Holt, what that is?

2 A A supplementary report to a missing
3 person's report.

4 Q Isn't it correct that that, in fact,
5 deals with the alleged victim of this case?

6 A Yes, it does.

7 Q And on that particular matter, does it
8 not state that the person was missing on, in fact,
9 August 1st?

10 A Yes, it does.

11 Q Thank you.

12 To the best of your knowledge, did the
13 Chicago Police Department have information that
14 this person was, in fact, alive on August 2nd,
15 1988?

16 A No.

17 Q No?

18 A Not that I know of.

19 Q To the best -- Thank you.

20 Showing you what would be marked as
21 Defense 5 for Identification. Could you please
22 identify that?

23 A Missing person's report.

24 Q And on that missing person's report, am

1 I correct in assuming that that's also generated
2 with the stamp of Area 2, Violent Crimes?

3 A No, it's not.

4 Q Is there a stamp saying Area 2, Violent
5 Crimes?

6 A No, there's not.

7 Q I'm sorry, Officer, perhaps I'm
8 mistaken.

9 It says Youth Division, Area 2;
10 correct?

11 A Correct.

12 Q Calling your attention to the back of
13 that report, does that report not state, in fact,
14 that that victim was seen on August 2nd, 1988?

15 A It says from an anonymous source, yes.

16 Q The victim was seen on August 2nd, 1988.
17 correct?

18 A From an anonymous source, yes.

19 Q Thank you.

20 By the way, to the best of your
21 knowledge, you didn't -- Well, withdraw that and
22 rephrase, Judge.

23 You didn't speak to the gentleman on the
24 phone at the same time Officer Nitsche did, did

1 you?

2 A No, I did not.

3 Q To the best of your knowledge, on this
4 anonymous source, did the Chicago Police
5 Department -- speaking of the anonymous source
6 that stated that the alleged victim of this crime
7 was alive on August 2nd, 1988, did the Chicago
8 Police Department in fact take action?

9 A I don't understand that question.

10 Q Did the Chicago Police Department do
11 anything in response to this anonymous source on
12 August 2nd, 1988?

13 A Area 2 Youth Division took some action.

14 Q Is that part of the Chicago Police
15 Department?

16 A Yes, it is.

17 Q Did they, in fact, tour an area?

18 A You have got the report, I don't. I
19 don't know what they did.

20 Q Calling your attention to that report --
21 By the way, you are familiar with 109th and
22 Indiana; correct?

23 A I know where it's at, yes.

24 Q Could you describe that -- Is that, in

1 fact, the area that they toured?

2 A 109th and Indiana and 105th and 6th and
3 Wabash.

4 Q Is that, in fact, the area they toured?

5 A Yes.

6 Q And they, as a matter of fact, took the
7 complainant which, I believe would be the guardian
8 of the young lady; correct?

9 A Yes.

10 Q Could you describe that area for his
11 Honor, Judge Holt?

12 A Residential area.

13 Q When you say residential, is there any
14 truck stops, that sort of thing there?

15 A No; residential area, homes.

16 Q Is it ever known as the Strip?

17 A Not that I ever recall.

18 Q By the way, how far was that, in fact,
19 that area away from the defendant's house?

20 A Probably about a mile.

21 Q Thank you.

22 Did you ever, Mr. Baker -- excuse me,
23 Detective Baker -- see the defendant on the phone
24 in his house?

1 A No, I did not.

2 Q Did you ever see the defendant on the
3 phone in his house, call Russ Ewing?

4 A No.

5 Q Did you ever see -- By the way, when I
6 say Russ Ewing, you are familiar with who I'm
7 referring to?

8 A Yes.

9 Q Thank you.

10 Would it be correct to assume that prior
11 to the defendant being taken away in a police car,
12 that your involvement in this matter, be it a
13 missing person's investigation or whatever, was
14 minimal?

15 A Yes.

16 Q Would it be correct in saying that
17 according to your testimony, prior to the
18 defendant being taken away in a police car, that
19 all you did was more or less didn't enter the
20 house, and stood on the street?

21 A Yes.

22 Q You in no way, according to your
23 testimony, attempted to arrest this law breaker
24 who attempted to hit the defendant; correct?

1 A That's true.

2 Q You in no way attempted to try and break
3 it up; correct?

4 A Moved the crowd away to get Mr.
5 Hendricks into the squad car.

6 Q Beg your pardon?

7 A We moved the crowd back to allow Mr.
8 Hendricks to get into the squad car.

9 Q When you say you moved the crowd away,
10 that also is not reflected in your police report;
11 is that correct?

12 A No, it's not.

13 Q Would it be correct in saying -- and I
14 believe you described the defendant as walking to
15 the squad car -- When you say walking, you, as a
16 trained observer, mean that, walking; is that
17 correct?

18 A Walking, walked.

19 Q He didn't run; correct?

20 A Well, he didn't sprint over there.

21 Q Well, he walked; correct? In a normal
22 way?

23 If you know.

24 A What's a normal way? You tell me.

1 Q Well, even-paced.

2 A He walked over, walked out of the house,
3 and right over, and got in the back of the squad
4 car.

5 Q When you say got in the back of the
6 squad car, is that a marked or unmarked squad car?

7 A Unmarked squad car.

8 Q Am I correct in that when you spoke of a
9 squad car, would that be similar to a detective's
10 car?

11 A Yes.

12 Q Can you open the back door of that squad
13 car?

14 When I say you, if you're not a member
15 of the Chicago Police Department.

16 A You're asking me, are you physically
17 able to do it?

18 Q That's correct.

19 A Yes, yes. You take the handle and open
20 it up.

21 Q Does it have a screen?

22 A No, it doesn't.

23 Q Can you open the back door from inside
24 the car?

1 A Yes, you can.

2 Q Would it be correct in saying before
3 going to the defendant's house, you made no
4 independent investigation of this case?

5 MR. RONKOWSKI: Objection to independent.

6 MS. PLACEK: He himself, Judge.

7 THE COURT: Overruled.

8 THE WITNESS: A That's correct.

9 MS. PLACEK: Q Would it also be correct in
10 saying that before going to the -- Or the thing
11 that motivated you, so-to-speak, to go to the
12 defendant's house, was, in fact, a request by
13 Detective Nitsche?

14 MS. MALLO: Objection to motivate.

15 THE COURT: Overruled.

16 THE WITNESS: A I went with Detective
17 Nitsche, yes.

18 MS. PLACEK: Thank you.

19 That's all, your Honor.

20 THE COURT: Redirect.

21 MS. MALLO: One minute, your Honor.

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REDIRECT EXAMINATION

BY

MS. MALLO:

Q Detective Baker, it wasn't Assistant State's Attorney Ronkowski that talked to you about this case; it was myself, wasn't it?

MS. PLACEK: Objection.

Impeaching their own witness, Judge.

THE COURT: Overruled.

MS. MALLO: Q Well, I spoke to you about this case; is that correct?

THE WITNESS: A That's correct.

Q When I spoke to you about this case at lunch time and today, were there any civilians in the room?

A No, there weren't.

Q And ASA Ronkowski then later joined us; correct?

A That's true.

Q And when Ronkowski and I spoke to you, were there any civilians in the room?

A No, there weren't.

Q And it was Assistant State's Attorney

1 Ronkowski who had been with the detectives earlier
2 in the morning before I got there; correct?

3 A That's correct.

4 Q And at any time in your presence did you
5 ever hear Assistant State's Attorney Ronkowski
6 interview any civilian witnesses?

7 A No, I did not.

8 Q Detective Baker, on the night of August
9 8th, 1988, when you went into the home of Jerome
10 Hendricks, you had information about the case?

11 A Yes, I did.

12 MS. PLACEK: Objection, foundation. Improper
13 as redirect, your Honor.

14 THE COURT: I'm going to allow that answer to
15 stand, for what it's worth.

16 The objection is overruled.

17 THE WITNESS: A Yes, I did.

18 THE COURT: He had information about the
19 case, period.

20 MS. MALLO: Q And at that time did you talk
21 to anyone about this case?

22 MS. PLACEK: Objection.

23 THE COURT: Overruled.

24 THE WITNESS: A Yes, I had.

1 MS. MALLO: Q And did you know who the
2 victim was last seen with?

3 MS. PLACEK: Objection.

4 Foundation at this time, Judge.

5 THE COURT: The objection is sustained.

6 MS. MALLO: Q Prior to getting to the
7 defendant's house at about 8:30 on August 8th,
8 1988, who had you spoken to about the case?

9 THE WITNESS: A Other detectives that were
10 assigned to it previously.

11 Q And when you spoke with those other
12 detectives, did they share with you information
13 they had gathered about the case?

14 A Yes, they did.

15 Q And when you went to the defendant's
16 home on the night of August 8th, 1988, did you
17 know who the defendant -- who the victim was last
18 seen with?

19 MS. PLACEK: Objection.

20 THE COURT: The objection is sustained.

21 MS. MALLO: Q When you went to the
22 defendant's house on that night, you went there
23 with certain information?

24 A Yes, I did.

1 MS. MALLO: Judge, if I may have a minute?

2 Your Honor, I have no further questions
3 of Detective Baker.

4 THE COURT: Recross.

5

6 RECROSS EXAMINATION

7 BY

8 MS. PLACEK:

9 Q The Assistant State's Attorney, the
10 young lady mentioned three conversations you had
11 this morning with either them singly or together?

12 A This morning and this afternoon, yes.

13 Q Did you ever say: By the way, that
14 civilian is the one with the stick, to either one
15 of them?

16 A Not that I recall, no.

17 Q And like you already told me, you
18 didn't even recognize him; correct?

19 A That's true.

20 MS. PLACEK: That's all, Judge.

21 THE COURT: Anything further?

22 MS. MALLO: No, sir.

23 THE COURT: Mr. Baker, thank you very much.
24 You may step down.

1 THE WITNESS: Thank you.

2 (Witness excused)

3 MR. RONKOWSKI: Your Honor, based on the
4 Court's ruling, I only have one more piece of
5 evidence I'm going to need. And there is an
6 issue as to what it is.

7 It would be offered under Montgomery and
8 probably the best evidence would be the original
9 court file.

10 I have the case. And this would be what
11 had been alluded to previously about the
12 defendant's background.

13 And if I could get a continuance to ask
14 the Clerk to bring the original court file, and
15 after the court file gets here I would ask the
16 Court to take judicial notice of the defendant's
17 prior conviction to impeach his testimony.

18 THE COURT: Is that file here in this
19 building, or is it --

20 MR. RONKOWSKI: No, it's probably in the
21 warehouse at 26th Street.

22 MS. PLACEK: If you remember, Judge, there
23 was quite a bit to do about what was real and what
24 wasn't real, as to this.

1 I believe that there was quite a bit of
2 hearsay which the Court eventually sustained my
3 objection, and quite frankly, this is why it gets
4 rather interesting in the case, Judge.

5 There was quite a few allegations, so --
6 THE COURT: I'm not at all sure I'm following
7 you.

8 MS. PLACEK: I understand, Judge.

9 But I believe for purposes of the
10 record, quite frankly, without hiding anything
11 from this Court, what Mr. Ronkowski wishes to do
12 is, I believe, there was a statement by the
13 detectives that -- rather, Detective Nitsche,
14 that he, in fact, was led to the defendant because
15 one of the neighbors had said that the defendant
16 was priorly -- you know, a prior convicted sex
17 offender.

18 THE COURT: All right.

19 And I take it that he wants to impeach
20 the defendant by introducing a prior conviction.

21 MS. PLACEK: Correct, Judge.

22 MR. RONKOWSKI: Correct.

23 THE COURT: And I take it also that you
24 don't choose to stipulate or cooperate in that in

1 any way to obviate the necessity of a continuance?

2 MS. PLACEK: Well, if we're talking about
3 obviating, the interesting thing is this is under
4 Montgomery, of course, Judge.

5 We have more or less conceded that with
6 sidebars to the bench.

7 THE COURT: I know about it. But --

8 MS. PLACEK: Judge, it's silly; you know
9 about it already.

10 THE COURT: So I don't see the point of
11 having to bring in the record.

12 MS. PLACEK: If this is the one, right.

13 THE COURT: This is something I already know.

14 MS. PLACEK: Fine, Judge.

15 If that's under Montgomery --

16 THE COURT: Is it admissible under
17 Montgomery?

18 MS. PLACEK: I don't believe I have a problem
19 with that. I have no problem stipulating.

20 THE COURT: Why is that?

21 MS. PLACEK: Well, number one, there was a
22 problem as to the year, and there was something as
23 to the rap sheet supposedly being wrong, if the
24 Court remembers as to certain cross examination.

1 A certified copy, of course, would have
2 obviated this.

3 I have no problem -- As a matter of
4 fact, since the majority of my time is spent at
5 26th Street, and if this is the only witness, if
6 this is the only thing holding it up, I have no
7 real problem stipulating it.

8 But just for -- you know, that he was
9 convicted at such and such a time.

10 THE COURT: Well, if there is a genuine
11 Montgomery problem, that's one thing.

12 On the other hand, if this evidence is
13 ultimately going to be admitted, and it will be
14 admitted if it conforms itself to Montgomery's
15 dictates, I might as well do it.

16 MS. PLACEK: Okay.

17 MR. RONKOWSKI: Would it help if I made an
18 offer of proof?

19 MS. PLACEK: Judge, why don't we just trust
20 the rap sheet then, Judge?

21 THE COURT: Fine.

22 Why don't you just put it in?

23 MR. RONKOWSKI: By stipulation, Counsel?

24 MS. PLACEK: That's fine.

1 MR. RONKOWSKI: Okay. Pursuant to People
2 versus Montgomery, the stipulation the People
3 would offer the Defendant's following felony
4 conviction within the last 10 years for the sole
5 purpose at this time to impeach him.

6 The additional information we'll rely on
7 for the reasons.

8 In that on October 18, 1985, the
9 defendant in Court, Jerome Hendricks, was
10 convicted of the crime of aggravated criminal
11 sexual assault, Case No. 84-10287.

12 On a finding of guilty he received six
13 years, Illinois Department of Corrections, by
14 Judge Boheric. That would be in the County of
15 Cook, State of Illinois.

16 MS. PLACEK: So stipulated, your Honor.

17 THE COURT: Do you have any further
18 witnesses?

19 MR. RONKOWSKI: Based on the Court's previous
20 ruling limiting the issues, we would have no
21 further witnesses.

22 THE COURT: You may make an offer of proof as
23 to the testimony of Mr. Baker that was not allowed
24 in evidence, if you desire to do so at this time.

1 MR. RONKOWSKI: Okay.

2 The Detective's -- Detective Baker
3 would testify as to the statements of the
4 defendant. And if the Court wishes to bifurcate
5 the hearing to settle the first issue, that's
6 fine.

7 If you want a full offer of proof, we
8 would prefer to do it with a live witness. And we
9 have two additional witnesses to put on.

10 MS. PLACEK: Is that today, or --

11 MR. RONKOWSKI: Yes, they are here.

12 MS. PLACEK: Okay.

13 MR. RONKOWSKI: Whatever the Court wishes,
14 bifurcated, or take a -- two more witnesses for
15 the offer of proof.

16 MS. PLACEK: Well, would these witnesses --
17 Can I just ask Counsel whether these witnesses
18 would go as to the heart of the motion, or as to
19 the bifurcation that he is requesting?

20 MR. RONKOWSKI: They would testify as to
21 the--

22 THE COURT: Well, as I have said, the whole
23 and only purpose of these witnesses is to make an
24 offer of proof in the event that review becomes

1 necessary by the State, so that the Reviewing
2 Court will know what evidence the State sought to
3 proffer that the Court refused to consider.

4 And it may very well be that the
5 Reviewing Court will determine that that was
6 error, and the State was entitled to a full
7 hearing.

8 But I'm not going to consider whatever
9 the witnesses say as it bears on the motion before
10 me, because it is not relevant. But you have the
11 right to make the offer of proof, and you also
12 have the right to make it with a live witness if
13 you choose to do so, or you can recite into the
14 record what it is that these witness would
15 testify.

16 Either way is perfectly all right with
17 me.

18 MR. RONKOWSKI: I will rely on the Court's
19 judgment whether we bifurcate the proceedings or
20 to get with live witnesses.

21 THE COURT: I don't know what you mean by
22 bifurcate.

23 MS. PLACEK: I don't, either, Judge.

24 THE COURT: You will have to explain it to

1 me.

2 I'm hearing this motion to suppress.

3 MR. RONKOWSKI: Right.

4 THE COURT: And I don't consider bifurcation
5 as even remote issue in this case.

6 What are you trying to have me
7 understand you mean by bifurcating?

8 MR. RONKOWSKI: Well, what the Court
9 previously stated on the record is the issue in
10 this case is the validity of the arrest.

11 And that means whether or not the
12 defendant was arrested at his house, and whether
13 or not the police had probable cause.

14 THE COURT: Right.

15 MR. RONKOWSKI: Okay.

16 If that issue rules against us, if the
17 police do not have probable cause, and that the
18 defendant was not arrested, we are entitled to
19 introduce evidence of what the defendant stated,
20 and what other witnesses stated thereafter to show
21 that at some point thereafter the police had
22 probable cause.

23 THE COURT: How would that cure the taint of
24 the primary illegality?

1 Would it be correct in saying that you
2 read those police reports in order to refresh your
3 memory?

4 A Yes, it would.

5 Q Would it be correct in saying quite
6 frankly as you sit there now you have no additions
7 or corrections as to any of the police reports
8 that, in fact, you have read?

9 A Correct.

10 Q Now, let's talk about this for a minute:
11 Am I correct -- and please feel free to
12 correct me if I am wrong -- that in order to take
13 a police report correctly, you put down all
14 relevant and all important things?

15 A Correct.

16 Q And something like a mob of 30 or 40
17 people in front of a house of a suspect is an
18 important thing; correct?

19 A Depends on who the mob is after.

20 Q Well, if they are after the defendant,
21 or the supposed suspect, or the reason that you
22 are there; correct?

23 A Correct.

24 Q And as a matter of fact, isn't it true

1 and correct that in none of the Chicago Police
2 Department's reports generated off of this case,
3 there is no mention of any mob in front of the
4 house?

5 A Correct.

6 Q As a matter of fact, you yourself wrote
7 a report in this matter; correct?

8 A Yes.

9 Q And you don't mention any 30, 40 -- you
10 don't even mention any disturbance in front of the
11 defendant's house; is that correct?

12 A That's correct.

13 Q It's not only correct, but you don't
14 even mention this incident about somebody holding
15 up a stick and trying to hit the defendant;
16 correct?

17 A Correct.

18 Q As a matter of fact, let me ask you,
19 Detective, when was the first time that you heard
20 anyone say that they were the one who held on to
21 the stick and tried to hit the defendant as he
22 left that house?

23 A I didn't --

24 MR. RONKOWSKI: Objection.

1 MS. PLACEK: Q If you heard it at all.

2 MR. RONKOWSKI: Irrelevant, what he heard.

3 He saw it.

4 MS. PLACEK: Judge, I'm asking, heard saying
5 that he did it.

6 THE COURT: Objection overruled.

7 MS. PLACEK: Thank you.

8 THE WITNESS: A I saw someone in the crowd
9 raise a stick.

10 I don't need to hear somebody say
11 anything; I saw it.

12 MS. PLACEK: Motion to strike, Judge, as not
13 responsive.

14 THE COURT: The motion is sustained.
15 Stricken.

16 MS. PLACEK: Thank you.

17 Q Officer, when was the first time you
18 heard anyone admit that they were the person who
19 raised that stick and tried to hit that defendant?

20 THE WITNESS: A I don't think I have heard
21 anyone admit to that.

22 Q By the way, do you know a gentleman, a
23 civilian, supposed witness in this case, by the
24 name of James Hill?

1 A I know there is a witness, James Hill,
2 to this case, yes.

3 Q And would it be correct that you and Mr.
4 Hill and your other brother-police officers were
5 sort of kept or sequestered or held in a
6 conference room back of this courtroom prior to
7 this hearing?

8 A Correct.

9 Q And would it be correct that Assistant
10 State's Attorney Ronkowski, in the course of his
11 job, asked each of you what happened and what did
12 you say, in preparation for testifying today?

13 A I remember him talking to me.

14 Q Well, let me ask you this:

15 You weren't --, Mr. Hill wasn't asked to
16 step out of the room when he was talking to you,
17 was he?

18 A I was not in the room with Mr. Hill all
19 morning.

20 Q Well, let me ask you this:

21 Did you ever know, or did you ever hear
22 Mr. Hill say that he was the one with the stick?

23 A Not that I recall, no.

24 Q As a matter of fact, being with Mr. Hill

1 in that room, did you ever say, my God, that's the
2 man I saw on that date and time, that's the man
3 with the stick?

4 A No.

5 Q As a matter of fact, you didn't
6 recognize Mr. Hill today, did you?

7 A Not that I recall, no.

8 Q Thank you.

9 But according to your testimony, you got
10 a clear and good look at the man who, in fact,
11 raised the stick to the defendant; correct?

12 A No, that's incorrect.

13 Q Well, let's talk a little further about
14 that.

15 You did see the incident as it occurred,
16 as you drove up at that time and date, didn't you?

17 A Yes, I did.

18 Q You saw what your brother Officer,
19 Nitsche, did?

20 A Yes, I did.

21 Q And you saw your brother Officer,
22 Nitsche, go in that house, didn't you?

23 A Yes, I did.

24 Q You saw him stay and remain in that

1 house for a while; correct?

2 A No, that's wrong.

3 Q Well, how long did you see your brother
4 Officer, Nitsche, in that house?

5 A He went in and came out. A matter of
6 seconds.

7 Q When you say a matter of seconds, just
8 so we have it clear. Did he walk all the way into
9 the house, and close the door behind him?

10 A No, he didn't.

11 Q Did he leave the door open?

12 A The screen was open.

13 Q Let me ask you this:

14 Was he on the porch of the house?

15 A There is no porch; there is just a
16 stoop.

17 Q So was he on the stoop of the house?

18 A Walked up on the stoop. The door was
19 being held open, he stepped inside, he came back
20 outside.

21 Q Who was holding open the door?

22 A A woman.

23 Q Do you know that woman?

24 A No, I don't.

1 Q Thank you.

2 Did you ever see him have conversation
3 with that woman?

4 A He said something as he walked up. I
5 don't know what.

6 Q Okay. How far away were you?

7 A About 20 feet.

8 Q How far was the nearest neighbor of this
9 crowd or mob?

10 A I don't recall. They were all over the
11 place.

12 Q When you say all over this place, were
13 they in the yard or house?

14 A The yard, the street, the sidewalk, by
15 the fences. People were milling about all over.

16 Q When you say milling about, did they
17 have stones and bricks in their hands, and sticks?

18 A I don't recall what every individual had
19 there.

20 Q Well, did some of them?

21 A I noticed a stick later on.

22 Q Well, when you say later on, did you
23 hear them shouting and screaming as you drove up?

24 A There was a lot of commotion and noise.

1 Q And, by the way, part of your job as a
2 Chicago Police Officer is also to quiet such
3 situations; correct?

4 A Depends on the situation.

5 Q Well, you surely wouldn't want a mob to
6 invade a suspect's house or attempt to hurt him;
7 correct?

8 A They didn't invade his house.

9 Q Sir, do you understand my question?

10 Motion to strike the answer as not
11 responsive, Judge.

12 MR. RONKOWSKI: Objection to the question as
13 argumentative.

14 THE COURT: Sustained.

15 As to the striking, the objection is
16 sustained and the answer is stricken.

17 As to your objection, Mr. Ronkowski,
18 it's overruled.

19 MS. PLACEK: Thank you, your Honor.

20 Q Surely wouldn't let a mob attack a
21 person's house, correct, without doing anything in
22 the course of your employment?

23 THE WITNESS: A Not if I could help it.

24 Q Not only that, but if you saw a mob

1 milling about with sticks or whatever, it would be
2 your job, as a Chicago Police Officer, to diffuse
3 the situation; isn't that correct?

4 A Depends on the situation.

5 Q Well, the situation is of, in fact, a
6 mob around a supposed -- as you put it today --
7 suspect's house.

8 Wouldn't it be your job to break that
9 mob up?

10 A Again depends on the situation.

11 Q Would it be your job to break that mob
12 up as I have just described the situation. sir?

13 A No.

14 Q So am I correct in assuming that you, as
15 a Chicago Police Officer, would not deem it your
16 job to in fact break up a mob of 30 or 40 people,
17 some with sticks, yelling and screaming at a
18 supposed suspect's house?

19 A I don't know.

20 Q Thank you.

21 Let me also ask you this, sir:

22 How long previous to your arrival to
23 that house were you involved in the investigation
24 of this matter?

1 A Several hours.

2 Q When you say several hours, were you
3 aware that the alleged victim of this crime was
4 first reported missing on August 1st, 1988?

5 A I don't remember exactly when I became
6 aware of that.

7 Q Could there be anything in this report
8 that would refresh your recollection as to that?

9 A Not the specific time, no.

10 Q Well, and you say your report, of
11 course, wouldn't refresh your recollection
12 because, according to you, there is nothing in
13 your report to reflect when she first became
14 missing?

15 A I don't recall if there is or not.

16 Q Would it be correct in saying that you
17 can't even recall what's in your report that you,
18 as you already stated, read to refresh your memory
19 a few minutes ago?

20 A I don't understand the question.

21 Q Well, sir, let's talk for a second.

22 Isn't it correct, showing you what has
23 been previously marked as Defendant's 4, a missing
24 person report, could you tell his Honor, Judge

1 Holt, what that is?

2 A A supplementary report to a missing
3 person's report.

4 Q Isn't it correct that that, in fact,
5 deals with the alleged victim of this case?

6 A Yes, it does.

7 Q And on that particular matter, does it
8 not state that the person was missing on, in fact,
9 August 1st?

10 A Yes, it does.

11 Q Thank you.

12 To the best of your knowledge, did the
13 Chicago Police Department have information that
14 this person was, in fact, alive on August 2nd,
15 1988?

16 A No.

17 Q No?

18 A Not that I know of.

19 Q To the best -- Thank you.

20 Showing you what would be marked as
21 Defense 5 for Identification. Could you please
22 identify that?

23 A Missing person's report.

24 Q And on that missing person's report, am

1 I correct in assuming that that's also generated
2 with the stamp of Area 2, Violent Crimes?

3 A No, it's not.

4 Q Is there a stamp saying Area 2, Violent
5 Crimes?

6 A No, there's not.

7 Q I'm sorry, Officer, perhaps I'm
8 mistaken.

9 It says Youth Division, Area 2;
10 correct?

11 A Correct.

12 Q Calling your attention to the back of
13 that report, does that report not state, in fact,
14 that that victim was seen on August 2nd, 1988?

15 A It says from an anonymous source, yes.

16 Q The victim was seen on August 2nd, 1988.
17 correct?

18 A From an anonymous source, yes.

19 Q Thank you.

20 By the way, to the best of your
21 knowledge, you didn't -- Well, withdraw that and
22 rephrase, Judge.

23 You didn't speak to the gentleman on the
24 phone at the same time Officer Nitsche did, did

1 you?

2 A No, I did not.

3 Q To the best of your knowledge, on this
4 anonymous source, did the Chicago Police
5 Department -- speaking of the anonymous source
6 that stated that the alleged victim of this crime
7 was alive on August 2nd, 1988, did the Chicago
8 Police Department in fact take action?

9 A I don't understand that question.

10 Q Did the Chicago Police Department do
11 anything in response to this anonymous source on
12 August 2nd, 1988?

13 A Area 2 Youth Division took some action.

14 Q Is that part of the Chicago Police
15 Department?

16 A Yes, it is.

17 Q Did they, in fact, tour an area?

18 A You have got the report, I don't. I
19 don't know what they did.

20 Q Calling your attention to that report --
21 By the way, you are familiar with 109th and
22 Indiana; correct?

23 A I know where it's at, yes.

24 Q Could you describe that -- Is that, in

1 fact, the area that they toured?

2 A 109th and Indiana and 105th and 6th and
3 Wabash.

4 Q Is that, in fact, the area they toured?

5 A Yes.

6 Q And they, as a matter of fact, took the
7 complainant which, I believe would be the guardian
8 of the young lady; correct?

9 A Yes.

10 Q Could you describe that area for his
11 Honor, Judge Holt?

12 A Residential area.

13 Q When you say residential, is there any
14 truck stops, that sort of thing there?

15 A No; residential area, homes.

16 Q Is it ever known as the Strip?

17 A Not that I ever recall.

18 Q By the way, how far was that, in fact,
19 that area away from the defendant's house?

20 A Probably about a mile.

21 Q Thank you.

22 Did you ever, Mr. Baker -- excuse me,
23 Detective Baker -- see the defendant on the phone
24 in his house?

1 A No, I did not.

2 Q Did you ever see the defendant on the
3 phone in his house, call Russ Ewing?

4 A No.

5 Q Did you ever see -- By the way, when I
6 say Russ Ewing, you are familiar with who I'm
7 referring to?

8 A Yes.

9 Q Thank you.

10 Would it be correct to assume that prior
11 to the defendant being taken away in a police car,
12 that your involvement in this matter, be it a
13 missing person's investigation or whatever, was
14 minimal?

15 A Yes.

16 Q Would it be correct in saying that
17 according to your testimony, prior to the
18 defendant being taken away in a police car, that
19 all you did was more or less didn't enter the
20 house, and stood on the street?

21 A Yes.

22 Q You in no way, according to your
23 testimony, attempted to arrest this law breaker
24 who attempted to hit the defendant; correct?

1 A That's true.

2 Q You in no way attempted to try and break
3 it up; correct?

4 A Moved the crowd away to get Mr.
5 Hendricks into the squad car.

6 Q Beg your pardon?

7 A We moved the crowd back to allow Mr.
8 Hendricks to get into the squad car.

9 Q When you say you moved the crowd away,
10 that also is not reflected in your police report:
11 is that correct?

12 A No, it's not.

13 Q Would it be correct in saying -- and I
14 believe you described the defendant as walking to
15 the squad car -- When you say walking, you, as a
16 trained observer, mean that, walking; is that
17 correct?

18 A Walking, walked.

19 Q He didn't run; correct?

20 A Well, he didn't sprint over there.

21 Q Well, he walked; correct? In a normal
22 way?

23 If you know.

24 A What's a normal way? You tell me.

1 Q Well, even-paced.

2 A He walked over, walked out of the house.
3 and right over, and got in the back of the squad
4 car.

5 Q When you say got in the back of the
6 squad car, is that a marked or unmarked squad car?

7 A Unmarked squad car.

8 Q Am I correct in that when you spoke of a
9 squad car, would that be similar to a detective's
10 car?

11 A Yes.

12 Q Can you open the back door of that squad
13 car?

14 When I say you, if you're not a member
15 of the Chicago Police Department.

16 A You're asking me, are you physically
17 able to do it?

18 Q That's correct.

19 A Yes, yes. You take the handle and open
20 it up.

21 Q Does it have a screen?

22 A No, it doesn't.

23 Q Can you open the back door from inside
24 the car?

1 A Yes, you can.

2 Q Would it be correct in saying before
3 going to the defendant's house, you made no
4 independent investigation of this case?

5 MR. RONKOWSKI: Objection to independent.

6 MS. PLACEK: He himself, Judge.

7 THE COURT: Overruled.

8 THE WITNESS: A That's correct.

9 MS. PLACEK: Q Would it also be correct in
10 saying that before going to the -- Or the thing
11 that motivated you, so-to-speak, to go to the
12 defendant's house, was, in fact, a request by
13 Detective Nitsche?

14 MS. MALLO: Objection to motivate.

15 THE COURT: Overruled.

16 THE WITNESS: A I went with Detective
17 Nitsche, yes.

18 MS. PLACEK: Thank you.

19 That's all, your Honor.

20 THE COURT: Redirect.

21 MS. MALLO: One minute, your Honor.

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REDIRECT EXAMINATION

BY

MS. MALLO:

Q Detective Baker, it wasn't Assistant State's Attorney Ronkowski that talked to you about this case; it was myself, wasn't it?

MS. PLACEK: Objection.

Impeaching their own witness, Judge.

THE COURT: Overruled.

MS. MALLO: Q Well, I spoke to you about this case; is that correct?

THE WITNESS: A That's correct.

Q When I spoke to you about this case at lunch time and today, were there any civilians in the room?

A No, there weren't.

Q And ASA Ronkowski then later joined us; correct?

A That's true.

Q And when Ronkowski and I spoke to you, were there any civilians in the room?

A No, there weren't.

Q And it was Assistant State's Attorney

1 Ronkowski who had been with the detectives earlier
2 in the morning before I got there; correct?

3 A That's correct.

4 Q And at any time in your presence did you
5 ever hear Assistant State's Attorney Ronkowski
6 interview any civilian witnesses?

7 A No, I did not.

8 Q Detective Baker, on the night of August
9 8th, 1988, when you went into the home of Jerome
10 Hendricks, you had information about the case?

11 A Yes, I did.

12 MS. PLACEK: Objection, foundation. Improper
13 as redirect, your Honor.

14 THE COURT: I'm going to allow that answer to
15 stand, for what it's worth.

16 The objection is overruled.

17 THE WITNESS: A Yes, I did.

18 THE COURT: He had information about the
19 case, period.

20 MS. MALLO: Q And at that time did you talk
21 to anyone about this case?

22 MS. PLACEK: Objection.

23 THE COURT: Overruled.

24 THE WITNESS: A Yes, I had.

1 MS. MALLO: Q And did you know who the
2 victim was last seen with?

3 MS. PLACEK: Objection.

4 Foundation at this time, Judge.

5 THE COURT: The objection is sustained.

6 MS. MALLO: Q Prior to getting to the
7 defendant's house at about 8:30 on August 8th,
8 1988, who had you spoken to about the case?

9 THE WITNESS: A Other detectives that were
10 assigned to it previously.

11 Q And when you spoke with those other
12 detectives, did they share with you information
13 they had gathered about the case?

14 A Yes, they did.

15 Q And when you went to the defendant's
16 home on the night of August 8th, 1988, did you
17 know who the defendant -- who the victim was last
18 seen with?

19 MS. PLACEK: Objection.

20 THE COURT: The objection is sustained.

21 MS. MALLO: Q When you went to the
22 defendant's house on that night, you went there
23 with certain information?

24 A Yes, I did.

1 MS. MALLO: Judge, if I may have a minute?

2 Your Honor, I have no further questions
3 of Detective Baker.

4 THE COURT: Recross.

5

6 RECROSS EXAMINATION

7

BY

8

MS. PLACEK:

9 Q The Assistant State's Attorney, the
10 young lady mentioned three conversations you had
11 this morning with either them singly or together?

12 A This morning and this afternoon, yes.

13 Q Did you ever say: By the way, that
14 civilian is the one with the stick, to either one
15 of them?

16 A Not that I recall, no.

17 Q And like you already told me, you
18 didn't even recognize him; correct?

19 A That's true.

20 MS. PLACEK: That's all, Judge.

21 THE COURT: Anything further?

22 MS. MALLO: No, sir.

23 THE COURT: Mr. Baker, thank you very much.
24 You may step down.

1 THE WITNESS: Thank you.

2 (Witness excused)

3 MR. RONKOWSKI: Your Honor, based on the
4 Court's ruling, I only have one more piece of
5 evidence I'm going to need. And there is an
6 issue as to what it is.

7 It would be offered under Montgomery and
8 probably the best evidence would be the original
9 court file.

10 I have the case. And this would be what
11 had been alluded to previously about the
12 defendant's background.

13 And if I could get a continuance to ask
14 the Clerk to bring the original court file, and
15 after the court file gets here I would ask the
16 Court to take judicial notice of the defendant's
17 prior conviction to impeach his testimony.

18 THE COURT: Is that file here in this
19 building, or is it --

20 MR. RONKOWSKI: No, it's probably in the
21 warehouse at 26th Street.

22 MS. PLACEK: If you remember, Judge, there
23 was quite a bit to do about what was real and what
24 wasn't real, as to this.

1 I believe that there was quite a bit of
2 hearsay which the Court eventually sustained my
3 objection, and quite frankly, this is why it gets
4 rather interesting in the case, Judge.

5 There was quite a few allegations, so --

6 THE COURT: I'm not at all sure I'm following
7 you.

8 MS. PLACEK: I understand, Judge.

9 But I believe for purposes of the
10 record, quite frankly, without hiding anything
11 from this Court, what Mr. Ronkowski wishes to do
12 is, I believe, there was a statement by the
13 detectives that -- rather, Detective Nitsche,
14 that he, in fact, was led to the defendant because
15 one of the neighbors had said that the defendant
16 was priorly -- you know, a prior convicted sex
17 offender.

18 THE COURT: All right.

19 And I take it that he wants to impeach
20 the defendant by introducing a prior conviction.

21 MS. PLACEK: Correct, Judge.

22 MR. RONKOWSKI: Correct.

23 THE COURT: And I take it also that you
24 don't choose to stipulate or cooperate in that in

1 any way to obviate the necessity of a continuance?

2 MS. PLACEK: Well, if we're talking about
3 obviating, the interesting thing is this is under
4 Montgomery, of course, Judge.

5 We have more or less conceded that with
6 sidebars to the bench.

7 THE COURT: I know about it. But --

8 MS. PLACEK: Judge, it's silly; you know
9 about it already.

10 THE COURT: So I don't see the point of
11 having to bring in the record.

12 MS. PLACEK: If this is the one, right.

13 THE COURT: This is something I already know.

14 MS. PLACEK: Fine, Judge.

15 If that's under Montgomery --

16 THE COURT: Is it admissible under
17 Montgomery?

18 MS. PLACEK: I don't believe I have a problem
19 with that. I have no problem stipulating.

20 THE COURT: Why is that?

21 MS. PLACEK: Well, number one, there was a
22 problem as to the year, and there was something as
23 to the rap sheet supposedly being wrong, if the
24 Court remembers as to certain cross examination.

1 A certified copy, of course, would have
2 obviated this.

3 I have no problem -- As a matter of
4 fact, since the majority of my time is spent at
5 26th Street, and if this is the only witness, if
6 this is the only thing holding it up, I have no
7 real problem stipulating it.

8 But just for -- you know, that he was
9 convicted at such and such a time.

10 THE COURT: Well, if there is a genuine
11 Montgomery problem, that's one thing.

12 On the other hand, if this evidence is
13 ultimately going to be admitted, and it will be
14 admitted if it conforms itself to Montgomery's
15 dictates, I might as well do it.

16 MS. PLACEK: Okay.

17 MR. RONKOWSKI: Would it help if I made an
18 offer of proof?

19 MS. PLACEK: Judge, why don't we just trust
20 the rap sheet then, Judge?

21 THE COURT: Fine.

22 Why don't you just put it in?

23 MR. RONKOWSKI: By stipulation, Counsel?

24 MS. PLACEK: That's fine.

1 MR. RONKOWSKI: Okay. Pursuant to People
2 versus Montgomery, the stipulation the People
3 would offer the Defendant's following felony
4 conviction within the last 10 years for the sole
5 purpose at this time to impeach him.

6 The additional information we'll rely on
7 for the reasons.

8 In that on October 18, 1985, the
9 defendant in Court, Jerome Hendricks, was
10 convicted of the crime of aggravated criminal
11 sexual assault, Case No. 84-10287.

12 On a finding of guilty he received six
13 years, Illinois Department of Corrections, by
14 Judge Boheric. That would be in the County of
15 Cook, State of Illinois.

16 MS. PLACEK: So stipulated, your Honor.

17 THE COURT: Do you have any further
18 witnesses?

19 MR. RONKOWSKI: Based on the Court's previous
20 ruling limiting the issues, we would have no
21 further witnesses.

22 THE COURT: You may make an offer of proof as
23 to the testimony of Mr. Baker that was not allowed
24 in evidence, if you desire to do so at this time.

1 MR. RONKOWSKI: Okay.

2 The Detective's -- Detective Baker
3 would testify as to the statements of the
4 defendant. And if the Court wishes to bifurcate
5 the hearing to settle the first issue, that's
6 fine.

7 If you want a full offer of proof, we
8 would prefer to do it with a live witness. And we
9 have two additional witnesses to put on.

10 MS. PLACEK: Is that today, or --

11 MR. RONKOWSKI: Yes, they are here.

12 MS. PLACEK: Okay.

13 MR. RONKOWSKI: Whatever the Court wishes,
14 bifurcated, or take a -- two more witnesses for
15 the offer of proof.

16 MS. PLACEK: Well, would these witnesses --
17 Can I just ask Counsel whether these witnesses
18 would go as to the heart of the motion, or as to
19 the bifurcation that he is requesting?

20 MR. RONKOWSKI: They would testify as to
21 the--

22 THE COURT: Well, as I have said, the whole
23 and only purpose of these witnesses is to make an
24 offer of proof in the event that review becomes

1 necessary by the State, so that the Reviewing
2 Court will know what evidence the State sought to
3 proffer that the Court refused to consider.

4 And it may very well be that the
5 Reviewing Court will determine that that was
6 error, and the State was entitled to a full
7 hearing.

8 But I'm not going to consider whatever
9 the witnesses say as it bears on the motion before
10 me, because it is not relevant. But you have the
11 right to make the offer of proof, and you also
12 have the right to make it with a live witness if
13 you choose to do so, or you can recite into the
14 record what it is that these witness would
15 testify.

16 Either way is perfectly all right with
17 me.

18 MR. RONKOWSKI: I will rely on the Court's
19 judgment whether we bifurcate the proceedings or
20 to get with live witnesses.

21 THE COURT: I don't know what you mean by
22 bifurcate.

23 MS. PLACEK: I don't, either, Judge.

24 THE COURT: You will have to explain it to

1 me.

2 I'm hearing this motion to suppress.

3 MR. RONKOWSKI: Right.

4 THE COURT: And I don't consider bifurcation
5 as even remote issue in this case.

6 What are you trying to have me
7 understand you mean by bifurcating?

8 MR. RONKOWSKI: Well, what the Court
9 previously stated on the record is the issue in
10 this case is the validity of the arrest.

11 And that means whether or not the
12 defendant was arrested at his house, and whether
13 or not the police had probable cause.

14 THE COURT: Right.

15 MR. RONKOWSKI: Okay.

16 If that issue rules against us, if the
17 police do not have probable cause, and that the
18 defendant was not arrested, we are entitled to
19 introduce evidence of what the defendant stated,
20 and what other witnesses stated thereafter to show
21 that at some point thereafter the police had
22 probable cause.

23 THE COURT: How would that cure the taint of
24 the primary illegality?

1 That's why I'm not admitting it. Because
2 what the defendant said subsequent thereto would
3 not cure the primary taint of the 4th Amendment
4 violation.

5 Unless -- Unless you could show some
6 attenuation, and you would have to have strong
7 evidence to show that it was attenuated by
8 somebody, some intervening circumstances.

9 But if the defendant went to the police
10 station and there protested his innocence and
11 there requested a polygraph, was there given a
12 polygraph, all of that would not attenuate. And,
13 as a matter of fact, People vs. Franklin says that
14 the giving of a polygraph under those
15 circumstances exacerbates rather than attenuates
16 the illegality.

17 So what I'm saying to you, as I
18 understand the law, Mr. Ronkowski, and I could be
19 in error, and you know I understand and appreciate
20 your concept that I probably am -- But as I
21 understand, unless you have some strong and
22 convincing evidence that something occurred in the
23 police station other than the giving of Miranda
24 warnings, other than the defendant's voluntary

1 request to take a polygraph, something attenuated
2 this unlawful 4th Amendment violation, if, indeed
3 there was one, then everything that happened in
4 the police station is a nullity under the 4th
5 Amendment.

6 That's the way I understand the law.

7 Therefore, I don't see what you mean.

8 And I think I'm beginning to understand what
9 you're calling bifurcating.

10 You want me to go into a hearing to
11 determine whether or not what occurred in the
12 police station relates back, and cures the 4th
13 Amendment violation.

14 And I'm saying to you that that is a
15 burden that you could choose to undertake, and I
16 will hear you on it, but it certainly wouldn't be
17 on the basis of what the defendant said at the
18 police station.

19 MR. RONKOWSKI: No.

20 When I say bifurcate, terminate the
21 proceedings right now, and the Court can hear
22 arguments and decide whether or not the police had
23 probable cause, at the point the defendant called
24 the police and invited them to his house.

1 If you rule in the State's favor, then
2 everything that occurred at the police station is
3 proper.

4 If you rule against the State, the State
5 would be entitled to show inevitable discovery,
6 all sorts of theories that, you know --

7 THE COURT: What would be discoverable? The
8 statements of the defendant, or the --

9 MR. RONKOWSKI: The other witnesses that we
10 talked to.

11 THE COURT: What are we suppressing here?
12 The statement of the defendant?

13 MR. RONKOWSKI: Yes. This is a statement
14 case.

15 THE COURT: How could a statement of the
16 defendant be inevitably discovered and be
17 Constitutionally violate after his
18 unconstitutional arrest?

19 MR. RONKOWSKI: Very easy.

20 Because at some point thereafter, if the
21 police do develop probable cause that dissipates
22 the taint.

23 MS. PLACEK: No, it doesn't.

24 THE COURT: Come on, come on.

1 If you have any single case in any
2 jurisdiction at all that says that you have
3 probable cause after the defendant has been
4 unconstitutionally arrested and within a
5 relatively short period of time after his arrest
6 that that dissipates the taint of the un-
7 constitutional arrest, I would like to see it.

8 MR. RONKOWSKI: How many cases do you want to
9 see?

10 I can cite two or three cases.

11 THE COURT: All right.

12 Start looking at Dunaway versus New
13 York, and the whole line of cases that tell us
14 very clearly that even the giving of Miranda
15 warnings --

16 Look at People versus Franklin, the
17 voluntary taking of a polygraph examination, all
18 of these things do not dissipate the taint of the
19 illegal arrest.

20 And simply because the investigation
21 goes on, and outside of any statement of the
22 defendant that causes them to acquire probable
23 cause, that doesn't relate back to the defendant
24 unless something else has happened.

1 He is continuously under the restraints
2 of this unconstitutional arrest when he makes a
3 statement, even if probable cause has been
4 developed in the interim between his arrest and
5 the statement.

6 And I know of no case anywhere that
7 suggests anything to the contrary.

8 Again, Mr. Ronkowski, my grasp of the
9 law around these 50 other jurisdictions in the
10 United States may not be that great, but I have
11 not seen any case.

12 MR. RONKOWSKI: There are cases in Illinois
13 that allow the State to do that, and have
14 successfully allowed the State to do that.

15 THE COURT: You're going to have to point
16 them out to me with great particularity, serve a
17 copy on the Defense, and we will see where we go
18 with that.

19 So in any event, we have not reached
20 that stage.

21 I assure you that if I come to the
22 conclusion that this defendant was
23 unconstitutionally arrested, I will allow you an
24 opportunity to make those cases before me and

1 convince me that you should be allowed to show
2 that something happened after his unconstitutional
3 arrest, if indeed I determine that he was, that
4 attenuates the taint.

5 And I just don't see how that -- as I
6 said, I don't know of any cases like that, but I
7 am willing to learn, and I am willing to have you
8 teach me.

9 MR. RONKOWSKI: Well, my suggestion at 3:07,
10 rather than rush up and get you those cases, if we
11 can pick a short date that's agreeable to both
12 sides to conclude this hearing --

13 THE COURT: Both sides may consider wanting
14 to educate the Court.

15 MS. PLACEK: I agree with the Court, Judge,
16 so I will stand educated with the Court.

17 Judge, on the court date, next week is
18 fine, Judge, or --

19 THE COURT: You are pretty close to the point
20 of resting, absent this little problem that we
21 have; am I correct?

22 MR. RONKOWSKI: Well, if I don't change the
23 Court's mind, I'm resting.

24 THE COURT: Well, then I suspect, if we could

1 devote as little as an hour to this next week, one
2 day?

3 MR. RONKOWSKI: Oh, yes, I have no problem
4 with that.

5 MS. PLACEK: I have two rebuttals, Judge.

6 THE COURT: You have two rebuttal witnesses?

7 MS. PLACEK: Yes, Judge.

8 THE COURT: How much time do you think? Two
9 hours, maybe?

10 MS. PLACEK: An hour and a half, Judge.

11 THE COURT: Can you give us a date that we
12 can get in next week?

13 MS. PLACEK: Either next week or the following
14 week, later in the afternoon, I will be here.

15 THE COURT: can you give us some help as to
16 what's going to go and not go?

17 MR. RONKOWSKI: Call them out and I will tell
18 you.

19 (Whereupon, a discussion was
20 held off the record, after which
21 the following proceedings were
22 had:)

23 MS. PLACEK: The 10th or the 11th, I have
24 motions before His Honor -- Or no, you are

1 putting it on Wednesday.

2 I'm sorry, the previous week. I
3 pre-supposed -- the 3rd, the 4th?

4 THE COURT: The 4th.

5 MS. PLACEK: Are you talking about the 4th?

6 THE COURT: I'm talking about the 4th.

7 Yes, that's the one.

8 MS. PLACEK: The 4th? That's fine.

9 MR. RONKOWSKI: The 4th.

10 THE COURT: The 4th. Order of Court.

11 MS. PLACEK: Thank you very much, Judge.

12 THE COURT: April 4th.

13 MS. PLACEK: Have a pleasant day.

14 THE COURT: Thank you.

15 (Whereupon, hearing in the
16 above-entitled cause was
17 continued to Wednesday, the
18 4th day of April, A. D. 1990)

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STATE OF ILLINOIS)
COUNTY OF C O O K) SS:

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE)
STATE OF ILLINOIS)
- vs -) No. 88 CR 12517
JEROME HENDRICKS)

MOTION TO QUASH ARREST
AND SUPPRESS EVIDENCE

REPORT OF PROCEEDINGS had at the hearing
of the above-entitled cause on Thursday, the 31st day of
May, A. D., 1990, before the Honorable LEO HOLT, Judge of
said Court.

APPEARANCES:

HON. CECIL PARTEE,
State's Attorney of Cook County, by
MR. EDWARD RONKOWSKI and
MS. MARY MALLO,
Assistant State's Attorneys,
appeared on behalf of the People:

HON. RANDOLPH STONE,
Public Defender of Cook County, by
MS. MARIJANE PLACEK and
MR. VINCENT LUFRANO,
Assistant Public Defenders,
appeared on behalf of the Defendant.

1 THE CLERK: Jerome Hendricks.

2 THE COURT: Jerome Hendricks.

3 MS. PLACEK: Mr. Hendricks is in custody.

4 THE COURT: Was Mike Baker the last person
5 to testify, Mr. Ronkowski?

6 MR. RONKOWSKI: That was Detective Baker, on
7 March 29, and then there was a stipulation and I believe
8 the State has rested, and it was the Defense turn.

9 MS. PLACEK: Judge, I believe, not necessarily
10 being our turn as a result of not --

11 THE COURT: I'm sorry?

12 MS. PLACEK: I don't believe it is quite our turn.
13 I believe we are in rebuttal now, Judge.

14 THE COURT: All right, I'm sorry, you may proceed.

15 MS. PLACEK: Thank you.

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18 (Witness duly sworn.)
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1 DAVIDA HENDRICKS-HALLEY,
2 called as a witness on behalf of the Petitioner-Defendant
3 herein, having been first duly sworn, was examined and
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MS. PLACEK:

7 Q Ma'am, would you state your name for purpose
8 of the record, spelling your first and last name.

9 A Davida Hendricks-Halley, D-a-v-i-d-a,
10 Hendricks, H-e-n-d-r-i-c-k-s, Halley, H-a-l-l-e-y.

11 Q Now, you mentioned Hendricks; you are related
12 to the defendant, Jerome Hendricks, is that correct?

13 A Yes.

14 Q Would you tell his Honor, Judge Holt, exactly
15 how you are related.

16 A I am his sister.

17 Q Now, calling your attention to August 9, I
18 believe 1988, could you tell his Honor, Judge Holt,
19 where you are living?

20 A 255 West 117th Street.

21 Q Were you living there alone or with someone?

22 A My mother, my brothers and sisters.

23 Q You mentioned your brother again. Is Jerome
24 Hendricks that brother that you speak of?

1 A Yes, one of them.

2 Q One of them, thank you.

3 Calling you attention to the later
4 afternoon hours, evening hours, did anything unusual
5 happen?

6 A I don't remember the dates any more.

7 Q I understand about the dates and the time,
8 but were you present during that time when anything
9 unusual happened?

10 A Yes.

11 Q Could you tell his Honor, Judge Holt, exactly
12 what you remember happening on that date?

13 A The whole day?

14 Q Well, let's start in relationship with your
15 brother, Jerome. Did you see your brother, Jerome, that
16 day?

17 A Yes.

18 Q Could you tell his Honor, Judge Holt, if,
19 during the afternoon or earlier evening hours, if that's
20 when you saw him?

21 A Early evening hours.

22 Q I know you are a little nervous and I know,
23 maybe you don't remember exact dates, but did anything
24 unusual happen that evening, that would make it stand out

1 in your mind?

2 A The police officers.

3 Q Well, when you say police officers and, again,
4 relax and just tell us what happened, what do you mean
5 by police officers?

6 A They wanted my brother to get in touch with
7 them.

8 Q When you say they wanted your brother to get
9 in touch with them, would you tell his Honor, Judge Holt,
10 the circumstances or how you came to see those police
11 officers that date and time?

12 A It was about the girl found in the garage
13 next to our house.

14 Q And when you say the police officers, did
15 they come and talk to you or did you go and talk to
16 them?

17 A They came and talked to us.

18 Q Now, when you say us, who do you mean?

19 A My son and myself.

20 Q Was your mother also present?

21 A Yes. Well, she wasn't there earlier at the
22 time.

23 Q And did the police officers leave you anything?

24 A Yes. They left their cards.

1 Q When you say their cards, do you remember
2 those police officers' names?

3 A No, I don't.

4 Q Do you remember whether they were white or
5 black officers?

6 A White.

7 Q And do you remember whether they were in
8 uniform like the sheriffs or like police officers, or
9 were they in plainclothes?

10 A They were in plainclothes.

11 Q And you said they left their cards.

12 Did you have an occasion to have an
13 opportunity to see those officers later that day?

14 A Yes.

15 Q Could you tell his Honor, Judge Holt, under
16 what circumstances you saw those police officers?

17 A They came back to pick up my brother.

18 Q When?

19 MR. RONKOWSKI: Objection.

20 MS. PLACEK: Basis, Judge?

21 MR. RONKOWSKI: Calls for a conclusion. She can
22 testify what she saw.

23 MS. PLACEK: That's what we are going into.
24 Those are her words.

1 THE COURT: I understand that may be her words.
2 It is somewhat conclusionary, they came back. I will
3 decide what it was they came back for.

4 Ms. PLACEK: Perhaps I can clarify a bit, your
5 Honor.

6 Q You mentioned they came back to
7 pick up your brother. Could you describe exactly what
8 happened.

9 A Jerome came in. We gave him the card and he
10 phoned them.

11 Q When you say we, who do you mean?

12 A My mother and myself.

13 Q Okay. And when you say he phoned, I know
14 you probably lived this over and over, but this is the
15 first time his Honor, Judge Holt, is hearing it, who
16 did he phone?

17 A We gave him the cards. He called the people
18 that's name was on the card.

19 Q Would that be the police officers?

20 A Yes.

21 Q And what happened after he phoned the police
22 officers?

23 A He talked to my sister.

24 Q And when you say your sister, was your sister

1 there?

2 A She was on the phone.

3 Q Okay. So in other words, he made two phone
4 calls, is that correct?

5 A Yes.

6 Q After he talked to your sister, what, if
7 anything, happened?

8 A The officers came.

9 Q When you say the officers came, tell his Honor,
10 Judge Holt, exactly what happened, as best you remember
11 it.

12 A He was talking to my sister on the phone.
13 About 15 or 20 minutes later, they were there.

14 Q Were those the same officers who were there
15 in the morning?

16 A Yes.

17 Q Were there only two of them at that time?

18 A No.

19 Q How many police officers were there?

20 A Four.

21 Q And these other, these new two officers,
22 were they men or women?

23 A I think one was a lady.

24 Q Okay. Were they white or black?

1 A White.

2 Q And were they in uniform or were they in
3 plainclothes?

4 A Uniform.

5 Q Thank you.

6 And again, when you say they came,
7 tell his Honor, Judge Holt, exactly what you mean. How
8 did they come? Did they knock on the door? Did --

9 MR. RONKOWSKI: Objection, leading.

10 THE COURT: I understand, Ms. Placek, it is
11 somewhat leading.

12 How did they come? How did they gain
13 entry into your house?

14 THE WITNESS: They came up and rang the bell.

15 MS. PLACEK: Q And what happened then?

16 A They came in and they put cuffs on him and
17 took him out.

18 Q When you say him, who do you mean?

19 A Jerome.

20 Q And when you say they put cuffs on him and
21 took him out, where was your brother when they put
22 these handcuffs on him?

23 A In our living room.

24 Q And how long were the police, in toto, in

1 your house?

2 A Maybe five minutes.

3 Q Did they show you a warrant?

4 A No.

5 Q Did they lead your brother out of the house?

6 A They cuffed him and took him out.

7 Q Okay. They cuffed him and took him out.

8 Let me ask you this, did you have an
9 occasion, at that time, to look out at your front yard?

10 A Yes.

11 Q Did you watch your brother get in the car
12 with the police officers?

13 A Yes.

14 Q Did you see any riot or any mob of people
15 in the front of your house?

16 A No.

17 Q Did you see anyone attacking your brother
18 with bricks or stones?

19 A No, I didn't.

20 Q Tell his Honor, Judge Holt, what you did see.

21 A Just the normal people that's out.

22 Q When you say the normal people that's out
23 there, what exactly do you mean?

24 A Well, the neighborhood, the kids just hang out.

1 That's what they looked like to me. The crowd had
2 died down.

3 MS. PLACEK: Thank you very much.

4 That's all, your Honor.

5 THE COURT: Cross, Mr. Ronkowski or Ms. Mallo.

6 MS. MALLO: Yes, your Honor.

7 CROSS EXAMINATION

8 BY MR. RONKOWSKI:

9
10 Q How much of the crowd died down?

11 A Well, there are people hanging out all the
12 time.

13 Q How much of the crowd died down?

14 MS. PLACEK: Objection. She answered that.

15 THE COURT: Overruled.

16 Did you understand the question?

17 THE WITNESS: Yes.

18 THE COURT: Will you answer it.

19 THE WITNESS: Just the normal amount of people
20 to me, that I always see out there.

21 MR. RONKOWSKI: Q Well, there was quite a few
22 people out there at this time, wasn't there?

23 MS. PLACEK: Objection, presuming, Judge.

24 THE COURT: Overruled.